

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SEP - 7 2018

CLERK, U.S. DISTRICT COURT
By Deputy

UNITED STATES OF AMERICA

v.

KIRBY ERWIN GOWLAND (01)

No. 4:18-MJ-555

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about March 30, 2018, the defendant, **Kirby Erwin Gowland**, in the Northern District of Texas, knowingly received, using any means and facility of interstate and foreign commerce by any means, including by computer, any visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct. Specifically, **Gowland** received the following visual depiction:

Video file name "**Asi se mama linda.mp4**," which depicts a prepubescent female performing oral sex on the penis of an adult male. The male then removes the female's underwear and digitally penetrates her and anally penetrates her with his penis for approximately six minutes. The video is approximately 11 minutes and 58 seconds in length.

In violation of 18 U.S.C. § 2252(a)(2).

INTRODUCTION

1. Affiant, Christopher W. Thompson, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Dallas Division, being duly sworn, depose and state as follows:
2. I have been employed as a Special Agent of the FBI since April 2004, and I am currently assigned to the Dallas Division, which is located at One Justice Way, Dallas,

Texas 75220. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I am currently assigned to a Child Exploitation Task Force, wherein my duties and responsibilities include investigating criminal violations relating to the sexual exploitation of children (SEOC). I have gained expertise in these types of investigations through training in seminars, classes, and my everyday work. In addition, I have received specialized training in the investigation and enforcement of federal child pornography laws in which computers are used as the means for transmitting, collecting and storing child pornography.

3. The information contained in this affidavit is based on my personal knowledge and experience, my own investigation, and information provided by other law enforcement officers and/or Agents. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that a violation of Receipt of a visual depiction of a minor engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2), has been committed by **Kirby Erwin Gowland**.

OVERVIEW OF INVESTIGATION

4. On September 7, 2018, I executed a search warrant at 813 W. Cheryl Avenue, Hurst, Texas, in connection with an investigation regarding Internet access to child pornography. At the time of the search, **Gowland** was present.

5. FBI Special Agents conducted a consensual interview of **Gowland** while at his residence. **Gowland** indicated that he had a black Windows laptop computer which belonged to him in the home. He further stated that the laptop was at least a year old and that he usually kept it at his residence in Hurst, Texas. His girlfriend had a Macintosh computer.

6. I observed child pornography while conducting a preliminary search of the hard drive inside **Gowland's** black laptop computer. A preliminary review of the hard drive indicates approximately 19,808 files, many of which were observed to be images and videos of child pornography. By way of example, three child pornography files include the following:

FILE NAME	FILE DESCRIPTION
28.jpg	This image depicts a prepubescent female spreading her anus to expose her genitals to the camera.
66.jpg	This image depicts a prepubescent female lying on her back with her legs in the air exposing her genitals. Another person is inserting an object into her anus.
S00 Andy Bondage.mpg	This video depicts a male under the age of 18 tied to a tree. Another male wearing a mask then removes the boy's shorts and performs oral sex on the restrained boy.

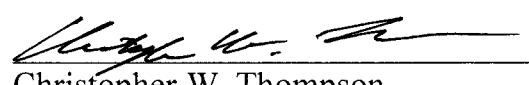
7. **Gowland** also admitted to using the peer-to-peer program uTorrent for "several years." The files described above were found in a data drive in the laptop computer in a

folder called "Torrents." While reviewing the hard drive, SA Thompson observed folder structures, file names, and files indicating they were obtained through a bit torrent application.

8. Additionally, SA Thompson observed the video file **Asi se mama linda.mp4** on the same hard drive. The file was located in the "torrents" folder and was created on or about March 30, 2018. The video file appeared to depict a real minor engaged in sexually explicit conduct. Your Affiant knows that in order to receive this video file through a bit torrent application, the user must be connected to the Internet. Your Affiant is also aware that the Internet is a means and facility of interstate and foreign commerce.

CONCLUSION

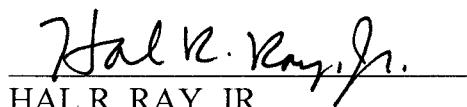
9. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about March 30, 2018, in the Northern District of Texas, **Kirby Erwin Gowland** committed the offense of Receipt of Child Pornography, in violation of 18 U.S.C. §2252(a)(2).


Christopher W. Thompson

Special Agent

Federal Bureau of Investigation

Subscribed and sworn before me this 7th day of September 2018 in Fort Worth, Texas at 10:32 a.m.


HAL R. RAY, JR.
United States Magistrate Judge